

J1048 U.S. PTO
11/17/01

11-26-01 A

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. PTO
11-26-01

First Inventor

KINDNESS

Title

COX-2 and HMG-CoA Red. INHIBITOR

Express Mail Label No.

ET754316342US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages 60]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets]
- Oath or Declaration [Total Pages]
 a. Newly executed (original or copy)
 b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
 Signed statement attached deleting Inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
 Box Patent Application
 Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)see Cont. Data
of prior application No.: 60 / 245,592

Prior application information:

Examiner _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label				or <input type="checkbox"/> Correspondence address below	
Name 25175 PATENT & TRADEMARK OFFICE					
Name		210 N. Charles St., Suite 800		Brooke Schumm	
Address					
City		State	MD	Zip Code	21201
Country		US	Telephone	4106494761	Fax 410649-4756
Name (Print/Type)		Brooke Schumm III		Registration No. (Attorney/Agent) 34,926	
Signature				Date 11/17/01	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL

for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	
Filing Date	
First Named Inventor	KINDNESS
Examiner Name	
Group Art Unit	
Attorney Docket No.	

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to Institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
Total Claims 34	-20** = 14 x 9 = 126	Fee from below	Fee Paid
Independent Claims 19	-3** = 12 x 42 = 502		
Multiple Dependent	3 x 140 = 420		
Fee Description			
Fee Code (\$)	Fee Code (\$)	Fee Description	
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	
Fee Description			
Fee Code (\$)	Fee Code (\$)	Fee Description	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(e))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify)			

*Reduced by Basic Filing Fee Paid / SUBTOTAL (3) (\$)

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Brooke Schumm III	Registration No. (Attorney/Agent)	34,926	Telephone	410 649 4756
Signature	Brooke Schumm	Date	10/17/01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on

CERTIFICATE OF TIMELY FILING AND SERVICE BY U.S. EXPRESS MAIL

Upon arrival at the U.S. Post Office in Baltimore at 900 E. Fayette St., Baltimore, Maryland on Saturday, November 17, 2001., I was advised that U.S. Express Mail would not be accepted for ZIP Codes in Washington DC including 20231. The postal clerk suggested I use Priority Mail which would arrive Monday, November 19, 2001.

I respectfully request and state that there has been an interruption or emergency within the meaning of 37 CFR 1.6 and request that the enclosed application be accorded a filing date of November 17, 2001 as that is the only means of expedited mail available and would otherwise be timely filed on November 17, 2001. I also rely on MPEP section 511 and 35 U.S.C. 21 (a) cited therein.

I certify that U.S. Express Mail ET 754316342US addressed to Ass't Commissioner of Patents, Box Utility Patent, Washington, DC 20231 was mailed this 17th day containing ~~PCT-B5~~
~~Request for A COMBINATION AND METHOD OF TREATMENT OF CANCER UTILIZING A COX-2 INHIBITOR AND A 3-HYDROXY-3-METHYLGLUTARYL-COENZYME-A (HMG-CoA) INHIBITOR by Kindness, Guilford and Schumm consisting of a specification of 60 pages, (49 sheets of description, 10 pages of claims and 1 page abstract with fee transmittal, check for \$1048, Declaration and Oath and Information Disclosure Statement with copies and a return postcard~~

Date: 11/17/01



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Receipt date
granted is
11/19/01.
g. Chang
from OPLA

BOX FILING DATE DECISION

Mail Room Date: 11/26/01

Effective Receipt Date 11/17/01